

REMARKS/ARGUMENTS

The amendment to Claim 1 is supported by cancelled Claim 3. Other amendments to previously pending claims are conformative in nature.

New Claims 19 and 20 are supported at specification page 5, lines 30-36.

No new matter has been entered.

An RCE is filed herewith. **An Interview is requested prior to first action.** See 706.07(b) (“A request for an interview prior to first action on a continuing or substitute application should ordinarily be granted.”).

All of the outstanding rejections rely on at least the combination of Heikonen and Hei and the theory that 1) Heikonen’s treatment liquid includes hydrogen peroxide and 2) that it would have been obvious to replace the formic acid in Heikonen with benzoic acid or sodium benzoate. See, e.g., page 3, third full paragraph, of the final Official Action. Applicants respectfully submit that this fundamental premise is incorrect.

Heikonen uses the spent liquor from a pulping process to preserve animal feed. This spent liquor contains essentially no hydrogen peroxide, as it either degrades during its primary pulping function, or oxidizes the formic acid to peroxyformic acid. See page 4, lines 15-17 of the reference.

This Heikonen process is well exemplified in Example 1 thereof beginning at page 4, line 40, where birch and pine are cooked in a mixture of formic acid alone or a mixture of 2000 ml formic acid and 10 ml of 50% hydrogen peroxide. When the spent liquors from this pulping process are concentrated, no hydrogen peroxide remains. See page 5, lines 40-46 and page 7, Table 2.

Thus, even if one were to combine Hei or McNeff with Heikonen and replace the formic acid in Heikonen with benzoic acid or sodium benzoate the present invention would

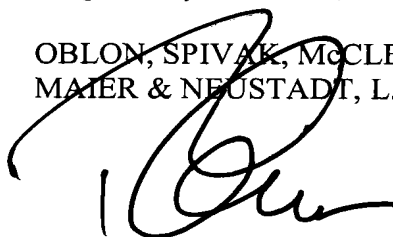
not be met, as no hydrogen peroxide, and certainly not at least 0.5 wt.% of hydrogen peroxide, would be present in the treatment composition.

Koenig, cited as disclosing the equivalence between formic acid and other benzoic acid materials, does not help, and Rossmore and Nakanish do not change the fundamental lack, in Heikonen, of a suggestion to use hydrogen peroxide in the disinfection and/or preservation of animal feed selected from the group consisting of harvested grass, cereals, maize, wheat, legumes and mixtures thereof.¹

Accordingly, and for the reasons set forth above, Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn. Should the Examiner find the case not to be in condition for allowance, **an interview prior to first action is requested.**

Respectfully submitted,

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¹ For example, Koenig is similar to McNeff in that it discloses, at best, certain preservatives. Rossmore and Nakanish are similarly cited as disclosing disinfectants, etc. not pertinent to the deficiencies noted above for the primary and secondary references.